

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

| | | |
|----------------------------|---|------------------------------------|
| CSX TRANSPORTATION, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No.: 3:05-cv-1120-WKW |
| |) | |
| R.J. CORMAN DERAILMENT |) | |
| SERVICES, LLC, R.J. CORMAN |) | |
| RAILROAD GROUP, and R.J. |) | |
| CORMAN COMPANY, |) | |
| |) | |
| Defendants. |) | |

JOINT MOTION TO CONTINUE STAY DEADLINES FOR
TWO ADDITIONAL MONTHS

Come now plaintiff CSX Transportation, Inc. and defendants R.J. Corman Railroad Group, LLC and R.J. Corman Derailment Services, LLC, (collectively referred to as "R.J. Corman") and jointly move this Honorable Court to stay the deadlines established in the January 6, 2006, Uniform Scheduling Order for an additional two months so the parties may continue informal discovery and settlement discussions without incurring additional litigation costs and in support thereof state as follows:

1. CSX and R.J. Corman have an ongoing business relationship whereby R.J. Corman, from time to time, serves as a derailment clean-up contractor for CSX.
2. In this case, CSX alleges that R.J. Corman caused a fire during a Macon County derailment clean-up which damaged CSX's real and personal property, cargo being hauled by CSX and property owned by Macon County resident Robert Cheek. Mr. Cheek previously filed suit against CSX seeking recovery for damages caused to his

property. CSX settled that case and asserts that settlement and/or portions of it along with litigation costs in this action. R.J. Corman disputes and denies CSX's allegations in this case, and there is a bona fide dispute as to liability and damages in this case.

3. The parties previously filed a Joint Motion to Stay Deadlines For Mediation on July 17, 2006. This Honorable Court granted the motion on July 19, 2006, and further ordered that the parties file a joint status report informing the Court of their progress on or before October 20, 2006.

4. The parties mediated this case with retired Jefferson County Circuit Judge Art Haynes in Birmingham on October 11, 2006, and recessed to further analyze the documentary damage claims being made in this case.

5. The parties filed their Mediation Report on October 12, 2006, informing the Court that no settlement was reached but discussions were continuing and requested the Court's permission to report by January 11, 2007, as to the status of discussions and whether a new scheduling order should be entered.

6. The parties are conducting discussions and informal discovery regarding different aspects of CSX's demand and the basis for the same and request an additional two months to complete this effort to try and resolve this dispute. This would be a costly case to formally prosecute and defend, and the parties genuinely would like to resolve their differences through this informal process if at all possible.

7. The parties jointly request an additional two month stay of all deadlines to allow them to continue conducting any informal discovery, meetings, and to resume mediation (if necessary) that might be useful in helping the parties resolve their

differences. The parties further request the Court to allow them to report within two (2) months or by Friday, March 16, 2007, as to the progress of the settlement discussions and/or whether the Court should enter a new scheduling order and trial date.

WHEREFORE PREMISES CONSIDERED, the parties jointly and respectfully request this Honorable Court to stay all deadlines in the Uniform Scheduling Order and to permit the parties to report by March 16, 2007, as to the status of their settlement discussions and/or whether the Court should enter a new scheduling order and trial date.

Respectfully submitted,

s/ M. Wade Richardson
M. Wade Richardson
Attorney for Plaintiff

OF COUNSEL:

Adams and Reese/Lange Simpson, LLP
2100 3rd Ave. North, Ste. 1100
Birmingham, AL 35203
Telephone: (205) 250-5000
wade.richardson@arlaw.com

AND

s/ Steven K. Herndon
Steven K. Herndon (HER028)
Andrew W. Christman (CHR024)
Attorneys for Defendants

OF COUNSEL:

Gidiere, Hinton, Herndon & Christman
P.O. Box 4190
Montgomery, AL 36103-4190
Telephone: (334) 834-9950
steve@ghhclaw.com
drew@ghhclaw.com